

Ordinance No. 2016 –

CITY OF CAVE SPRINGS, BENTON COUNTY, ARKANSAS

ORDNANCE ESTABLISHING THE APPOINTMENT
OF CITY ATTORNEY AND THE DUTIES AND
REQUIREMENTS OF THE OFFICE OF THE CITY
ATTORNEY FOR THE CITY OF CAVE SPRINGS; AND
DECLARNG AN EMERGENCY AND OTHER MATTERS
APPURTENANT THERETO.

WHEREAS, there it has been the practice of the City of Cave Springs to appoint the City Attorney pursuant to A.C.A. 14-42-112;

WHEREAS, A.C.A. 14-42-112 (a)(1) permits an ordinance allowing that the Office of City Attorney will be by appointment;

WHEREAS, it is believed that the City Council of the City of Cave Springs has previously established such authority, however the prior act cannot after a diligent search be located;

WHEREAS, this has come to the attention of the City Council of the City of Cave Springs at the time it wishes to make such appointment;

WHEREAS, the City Council for the City of Cave Springs has determined that it would be in the best of the citizens of the City to enact this ordinance to clarify and establish these matters.

NOW THEREFORE BE IT ENACTED, by the City Council of the City of Cave Springs, as follows:

Section 1. Establishment of Appointment. The City Council of the City of Cave Springs Shall appoint the City Attorney,

Section 2. Duties. The City Attorney shall have the duties as set forth in A.C.A. 14-42-112.

Section 3. Other Duties. All other duties as prescribed ordinance or contract.

Section 4. Severability Provision. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 6. Repeal of Conflicting Ordinances and Resolutions. All ordinances, resolutions or order of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

Section 7 Declaration of an Emergency. It is hereby found and determined that the City of Cave Springs needs to set forth and clarify the appointment process for a City Attorney, and thus the City Council has determined that in order maintain the efficient and orderly conduct of the City's affairs, such an ordinance is needed. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation and protection of the public peace, health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and approval by the Mayor. If the Ordinance is neither approved nor vetoed by the Mayor, it shall become effective on the expiration of the period of time during which the Mayor may veto this Ordinance. If the Ordinance is vetoed by the Mayor and the veto is overridden by the City Council,

it shall become effective on the Date the City Council overrides the veto, shall become effective on the date the City Council overrides the veto.

PASSED AND APPROVED THIS 8th DAY OF NOVEMBER 2016

APPROVED:

Travis Lee Mayor

ATTEST:

Kimberly Hutcheson, City Recorder